

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**RUSTY HOLLOWAY**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 2:15-cv-86-KS-MTP**

**LAMAR COUNTY, et al.**

**DEFENDANTS**

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Defendants Jason McNelly and Mike Purvis hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Order [44] entered in this action on April 8, 2016, denying Defendants' Motion for Summary Judgment [35] and the Order [52] entered on May 31, 2016, denying Defendants' Motion to Alter or Amend the Judgment [46]. In Defendants' Motion for Summary Judgment, the defendants sought dismissal of the Plaintiff's claims based on qualified immunity. An order denying qualified immunity is immediately appealable under 28 U.S.C. § 1291 and *Mitchell v. Forsyth*, 472 U.S. 511, 530, 105 s. Ct. 2806, 2817, 86 L. Ed. 2d 411 (1985).

RESPECTFULLY SUBMITTED this the 14<sup>th</sup> day of June, 2016.

**JASON MCNELLY AND  
MIKE PURVIS**

By: /s/William R. Allen  
One of Their Attorneys

WILLIAM R. ALLEN (MSB #100541)  
JESSICA S. MALONE (MSB #102826)  
Allen, Allen, Breeland & Allen, PLLC  
214 Justice Street  
P. O. Box 751  
Brookhaven, MS 39602  
Tel: 601-833-4361  
Fax: 601-833-6647  
[wallen@aabalegal.com](mailto:wallen@aabalegal.com)  
[jmalone@aabalegal.com](mailto:jmalone@aabalegal.com)

**CERTIFICATE**

I, the undersigned of Allen, Allen, Breeland & Allen, PLLC, hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the ECF system which gave notice of same to the following:

Daniel M. Waide, Esq.  
Johnson, Ratliff & Waide, PLLC  
P.O. Box 17738  
Hattiesburg, MS 39404  
[dwaid@jhrlaw.net](mailto:dwaid@jhrlaw.net)

This the 14<sup>th</sup> day of June, 2016.

/s/William R. Allen  
OF COUNSEL